

NORTH CAROLINA'S EXPERIENCE WITH NON- PARTISAN JUDICIAL ELECTIONS

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The Problem with Partisan Elections

- ▣ Judges are not policy makers
- ▣ Partisan elections provide shorthand and incomplete information
- ▣ Straight ticket voting decreases checks and balances

Increasingly Partisan Elections

- Partisan judicial elections attracted much more money nationally, \$471,227 in the 2001 - 2002 cycle, than nonpartisan judicial elections, \$131,262 in the 2001-2002 cycle.

- While the cost of advertising varies from state to state, that cannot be used to explain these variances. In states where partisan races take place alongside nonpartisan races, the difference in advertising expenses remains.

In Illinois in 2002, even as an incumbent was re-elected in a cost-free retention contest, candidates in a partisan contest raised \$1.9 million.

In New Mexico, two of three Supreme Court contests were retention elections - no money was spent. In the third race, a partisan contest, candidates raised nearly \$91,000.

- In North Carolina, the 2002 Orr/Hunter race was dominated by attacks against the candidates' ethics and behavior by the state's political parties.

Disruption of Judicial Professionalism

- More aggressive tone and political conduct in campaigns – increasing after *Republican Party of Minnesota v. White*
- More emphasis on fundraising

"It's the most distasteful aspect of politics to me. I like getting out and meeting people, but I do not like having to raise money. I did some of that and had a lot of fundraisers around the state. But it's not something I think is good for the judiciary."

- *Former Chief Justice I. Beverly Lake Jr.*

Advocates vs. Adjudicators

- US Supreme Court Justice Scalia has stated that the selection of judges and justices has changed from a quest for impartial and competent attorneys who read the text of the Constitution into a search for people who agree with a particular political vision.

THE NORTH CAROLINA SOLUTION

JCRA - A package of reforms

- Public Campaign Financing
- Lower Campaign Contributions
- Nonpartisan Elections
- Voter Guide

SOMETHING FOR EVERYONE

- Loss of information from Partisan ID supplanted with Voter Guide
- Complete overhaul gave diametric advocates something to get on board with
- Could be sold as a bold solution

More Information?

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ARE THE REFORMS WORKING?

- ▣ 2008 Better Courts Survey
 - Only 12% of respondents thought that partisan elections produce fairer judges.
 - 44% thought non-partisan races were more fair
- ▣ JCRA viewed as positive development
 - More civility
 - Occasional cross-party endorsements
- ▣ Parties still have a say
 - Grassroots and GOTV
 - Endorsements

More Information